

# Notice of Allowability

Application No.

09/930,476

Examiner

Eric Hug

Applicant(s)

OGINO ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 3, 2004.
2. ☒ The allowed claim(s) is/are 10,11,19-22 and 26-28.
3. ☒ The drawings filed on 16 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Response to Amendment***

The following is in response to the amendment filed on August 3, 2004.

***Allowable Subject Matter***

Claims 10, 11, 19-22, and 26-28 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 10, 11, and 19 are allowed for at least the features of charging phosphate glass raw material into a position of the bubbling of an oxidizing gas thereby oxidizing free phosphorus generated by the decomposition of phosphate glass raw material.

Claims 20-22 and 26-28 are allowed for at least the features of charging phosphate or fluorophosphate glass raw material into a position of the bubbling of an oxidizing gas, and further controlling the melting process such that the depth of the molten glass where the glass raw material is charged is 1.5 to 3 times the distance between the glass raw material charging port and the liquid surface of the molten glass.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Response to Arguments*

Applicant's arguments, filed August 3, 2004 with respect to previous rejections based on Yanagita et al (US 5,246,892) have been fully considered and are persuasive. The rejections of Claims 10, 11, and 19 under 35 U.S.C. 102(b) as being anticipated by Yanagita et al., and of Claims 11 and 23-25 35 U.S.C. 103(a) as being unpatentable over Yanagita et al in view of Broemer et al (US 3,847,624) have been withdrawn.

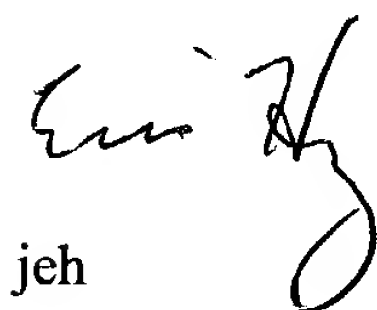
After reconsideration of Yanagita, it is clear that Yanagita is concerned with increasing the solubility of platinum inclusions within the glass melt and to keep the platinum in an ionic state by bubbling gas in or over a glass melt, rather than preventing platinum from initially going into the melt. Yanagita does not teach or suggest the charging of raw materials into a position of bubbling, thereby oxidizing free phosphorus generated by the decomposition of the raw material. There is also no teaching of relative dimensions of the depth of the glass melt and the distance between the charging port and surface of the melt.

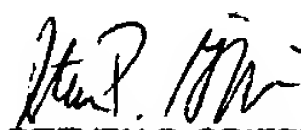
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
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